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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,725	04/09/2004	Dylan Jay	4002121-A-01-US (Jay)	1514
47523	7590	12/29/2009		
JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623			EXAMINER GAY, SONIA L	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			12/29/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,725	<b>Applicant(s)</b> JAY ET AL.	
	<b>Examiner</b> SONIA GAY	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-5,7,12,15-20,22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

This action is in response to the Amendment filed on 09/21/2009. The text of those sections of Title 35, U.S. Code not included in this action can be founding a prior Office action.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/21/2009 has been entered.

#### ***Response to Amendment***

2. Applicant's amendment filed on 09/21/2009 has been entered. Claims 6, 11, and 21 have been amended. Claims 1-5, 7, 12, 15 – 20, and 22 remain canceled. No claims have been added. Claims 6,8-11, 13 – 14, and 21 are still pending in this application, with claims 6, 11, and 21 being independent.

#### ***Claim Rejections - 35 USC § 103***

3. Claims 6, 8-10, 21, and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laniece et al. (US 7,099,448) in view of Frank et al. ( US 2002/0091517), and further in view of Kwak et al. (US 6,457,043).

Art Unit: 2614

For claims 6 and 21, Laniepce et al. discloses a method and a computer- readable medium (Abstract; column 5 lines 3 - 9) for performing participant identification in a conference of a plurality of participants, comprising the steps of: performing a simple speech algorithm to detect a change in active participant among a set of the plurality of participants using an endpoint telecommunication unit ( T\_1 as endpoint terminal, column 9 lines 27 – column 10 line 6; column 11 lines 37 – 60); whereby the speech algorithm determines the change in the active participant ( column 7 lines 22 – 54); determining the identity of a new active participant of the set of the plurality of participants by the conference unit performing voice recognition to identify the new active participant in response to the change whereby the conference unit processes information from only the endpoint telecommunication unit ( T\_1 as conference unit, column 6 lines 44 – column 7 line 8; column 9 lines 27 – 15). Yet, Laniepce et al. fails to teach signaling the detected change to a system controller that is providing overall control of a telecommunication switching system which comprises the endpoint telecommunication unit and a conference unit by the endpoint telecommunication unit by transmission of a message whereby the conference unit is combining the audio information from the plurality of participants; transmitting another message by the system controller to the conference unit by the system controller to inform the conference unit of the detected change; and determining in response to the other message the identity of a new active participant.

However, Frank et al. discloses a method for processing continuous human speech wherein speaker change detection and speaker recognition are separated into separate and distinct apparatuses/processes, a utterance analyzer and change detector and a speech recognition

Art Unit: 2614

system, for the purpose of reducing the use of processing resources including the time consuming speaker recognition mechanism ( Fig.3, 320 and 330; Abstract; [0014] [0039]).

Moreover, Kwak et al. discloses a method for the purpose of assisting a conference unit in performing participant identification in a conference of a plurality of participants wherein a detected change in a conference participant is sent to a system controller which transmits a message to conference unit that identifies the new active participant in response to the signaled change ( Abstract; column 5 lines 7 – 14; column 6 lines 66 – column 7 line 8, 11-21, 12 – 32; 41 – 48; column 8 lines 9 – 18)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Laniepce et al. with the teachings of Frank et al. and Kwak et al. so that conference unit functionality exists on both the endpoint terminal and a separate conference unit, wherein the process of speaker change detection and voice recognition as speaker identification are distributed between the endpoint terminal and the conference unit, respectively, for the purpose of signaling a detected change to a system controller which transmits a message to the conference unit to identify the currently speaking participant.

For claims 8 and 23, Laniepce et al. further discloses wherein the endpoint telecommunication unit is a telecommunication terminal ( Laniepce et al., column 4 lines 24 - 35).

For claims 9 and 24, Laniepce et al. further discloses wherein the endpoint telecommunication unit is a remote switch connecting a telecommunication terminal used by a

Art Unit: 2614

subset of the plurality of participants to the conference unit (Laniepce et al., column 4 lines 30 – 35, 53 - 62).

For claims 10 and 25, Laniepce et al. further discloses wherein the step of detecting comprises determining a use of a speaker phone on the endpoint telecommunication unit (Laniepce et al., column 5 lines 64 – column 6 line 3 ).

4. Claims 11 and 13 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laniepce et al. (US 7,099,448) in view of Frank et al. ( US 2002/0091517), and further in view of Kwak et al. (US 6,457,043).

Laniepce et al. discloses a system for providing a conference ( Abstract; Fig.1), comprising; a conference unit which is combining the audio information from the plurality of participants of the conference (*conference bridge or T<sub>1</sub>*, Fig.2, column 5 lines 14 – column 6 line28; column 11 lines 37- 60); one or the plurality of endpoint telecommunication units providing service for a subset of the set of plurality of participants, performing a simple speech algorithm to detect a change in active participant among a set of the plurality of participants using an endpoint telecommunication unit ( T<sub>1</sub> as endpoint terminal, column 4 lines 30 - 35; column 9 lines 27 – column 10 line 6; column 11 lines 37 – 60); whereby the speech algorithm determines the change in the active participant ( column 7 lines 22 – 54); determining the identity of a new active participant of the set of the plurality of participants by the conference unit performing voice recognition to identify the new active participant in response to the change whereby the conference unit processes information from only the endpoint telecommunication unit ( T<sub>1</sub> as conference unit, column 6 lines 44 – column 7 line8; column 9 lines 27 – 15). Yet,

Art Unit: 2614

Laniepce et al. fails to teach signaling the detected change to a system controller that is providing overall control of a telecommunication switching system which comprises the endpoint telecommunication unit and a conference unit by the endpoint telecommunication unit by transmission of a message whereby the conference unit is combining the audio information from the plurality of participants; transmitting another message by the system controller to the conference unit by the system controller to inform the conference unit of the detected change; and determining in response to the other message the identity of a new active participant.

However, Frank et al. discloses a method for processing continuous human speech wherein speaker change detection and speaker recognition are separated into separate and distinct apparatuses/processes, a utterance analyzer and change detector and a speech recognition system, for the purpose of reducing the use of processing resources including the time consuming speaker recognition mechanism ( Fig.3, 320 and 330; Abstract; [0014] [0039]).

Moreover, Kwak et al. discloses a method for the purpose of assisting a conference unit in performing participant identification in a conference of a plurality of participants wherein a detected change in a conference participant is sent to a system controller, providing overall control of a telecommunication switching system, which transmits a message to conference unit, combining the audio information from a plurality of participants, that identifies the new active participant in response to the signaled change ( Abstract; column 5 lines 7 – 14; column 6 lines 66 – column 7 line 8, 11-21, 12 – 32; 41 – 48; column 8 lines 9 – 18)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Laniepce et al. with the teachings of Frank et al. and Kwak et al. so that conference unit functionality exists on both the endpoint terminal and a

Art Unit: 2614

separate conference unit, wherein the process of speaker change detection and voice recognition as speaker identification are distributed between the endpoint terminal and the conference unit, respectively, for the purpose of signaling a detected change to a system controller which transmits a message to the conference unit to identify the currently speaking participant.

For claim 13, Laniece et al. further discloses wherein the endpoint telecommunication unit is a telecommunication terminal ( Laniece et al., column 4 lines 24 - 35).

For claim 14, Lenspiece et al. further discloses wherein the endpoint telecommunication unit is a remote switch connecting a telecommunication terminal used by a subset of the plurality of participants to the conference unit (Laniece et al., column 4 lines 30 – 35, 53 - 62).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 6, 8-11, 13 – 14, 21, and 23 - 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ahmad F Matar/

Supervisory Patent Examiner, Art Unit 2614

/Sonia Gay/

Examiner, Art Unit 2614

December 17, 2009